SBCivil Writ Petition No.3176/2006
(Nahar Singh v. State of Rajasthan & Anr.)

Date of Order :: 13th July, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Rakesh Arora, for the petitioner.

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By an advertisement dated 2.6.2004 the Rajasthan Public Service Commission invited applications from eligible candidates to face Primary and Upper Primary School Teachers Competitive Examination-2004. The last date for submitting application was 5.7.2004 and the eligibility to appear in the examination aforesaid was that the aspirant must be having a senior secondary school examination certificate or higher secondary school examination certificate or its equivalent with five subjects including subjects of Mathematics, English and Hindi with a Basic School Training Certificate/Bachelors Degree in Education. The candidates undergoing the course of BSTC/B.Ed. or awaiting results of examination of the courses referred above were also allowed to face the examination subject to the condition that they acquire eligibility qualification on the date of holding the Primary and Upper Primary School Teachers Competitive Examination-2004.

The petitioner submitted an application in pursuant to the advertisement dated 2.6.2004 and also faced written test. The application submitted by the

petitioner was rejected by the Commission on the count that on 5.1.2005 the day on which result of primary and upper primary teachers school examination was declared the petitioner was not having basic school training certificate/bachelors degree in education.

By this petition for writ challenge is given by the petitioner to the decision of the Rajasthan Public Service Commission to reject his candidature.

Heard counsel for the petitioner.

It is the position admitted that the petitioner was not possessing the qualification necessary to be appointed as Teacher under the Rules of 1996 on 5.1.2005, the date on which result of the Examination-2004 was declared. It is true that the petitioner in pursuance to proviso to Rule 266(3) of the Rules of 1996 was permitted to appear in the Examination-2004 and he was also declared successful in the examination but he was admittedly not eligible to undergo the examination and to be appointed as Teacher under the Rules of 1996 on the date of declaration of the result i.e. 5.1.2005. A person for the purpose of appointment should possess eligibility to hold the post when the selection proceedings acquire finality. In the instant matter the examination acquired finality on declaration of its result and on that date the petitioner was not

possessing required qualification, therefore, I do not find any illegality in rejecting the petitioner's candidature/application for the purpose of appointment tot he post of Teacher under the Rules of 1996.

No other contention is raised by counsel for the petitioner to substantiate the relief claimed.

In view of whatever discussed above the writ petition is dismissed.

(GOVIND MATHUR),J.

Kkm/ps.